

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GRACE, *et al.*

Plaintiffs,

v.

MATTHEW G. WHITAKER, in his
Official capacity as Acting Attorney
General of the United States, *et al.*,

Defendants.

Civil Action No. 1:18-cv-01853-EGS

**JOINT STIPULATION REGARDING PARAGRAPH 5 OF THE PERMANENT
INJUNCTION, MOTION TO LIFT THE STAY ENTERED ON DECEMBER 26, 2018,
AND MOTION TO SET ASIDE BRIEFING SCHEDULE**

**JOINT STIPULATION REGARDING PARAGRAPH 5 OF THE PERMANENT
INJUNCTION, MOTION TO LIFT THE STAY ENTERED ON DECEMBER 26, 2018,
AND MOTION TO SET ASIDE BRIEFING SCHEDULE**

On December 19, 2018, the Court entered a permanent injunction order. Paragraph 5 of the permanent injunction requires Defendants to, inter alia, “bring back into the United States, at no expense to plaintiffs, any plaintiff who has been removed pursuant to an expedited removal order prior to this Order and parole them into the United States, and provide each of them a new credible fear process . . . or, in the alternative, full immigration court removal proceedings pursuant to 8 U.S.C. § 1229a.” Paragraph 5 also directs, inter alia, that “[t]o facilitate such plaintiffs’ return to the United States, Defendants shall meet and confer with plaintiffs’ counsel within 7 days to develop a schedule and plan to carry out this portion of the injunction.” On December 21, 2018, Defendants requested information regarding the removed Plaintiffs that was necessary to begin facilitating their return, including their locations, the types of identity documents they could provide for travel, and points of contact for making the travel arrangements.

On December 26, the deadline for the parties to meet and confer, Defendants requested that the Court enter a stay of the meet and confer deadline in paragraph 5 of the permanent injunction in light of the current lapse in appropriations, citing 31 U.S.C. § 1342. ECF 108. That same day, the Court issued a Minute Order granting the requested stay.

On December 27, 2018, the Court issued a Minute Order directing the parties to brief whether paragraph 5 of the Permanent Injunction Order relates to an “emergenc[y] involving the safety of human life or the protection of property.” *See* 31 U.S.C. § 1342. That same day, after the 7-day meet-and-confer period had lapsed and after the Court issued its orders, Plaintiffs provided Defendants with the information requested on December 21.

In accordance with the Court's permanent injunction order and in light of the Court's December 27, 2018 minute order, the parties conferred on December 27 and 28, 2018. As stated in those conferrals, Defendants have agreed to treat work relating to complying with the requirements in paragraph 5 of the permanent injunction order as excepted activity during the current lapse in appropriations. Accordingly, Defendants shall proceed with compliance with paragraph 5 of the permanent injunction notwithstanding the current lapse in appropriations.

Given this agreement, the parties request that the Court lift the stay entered on December 26. In addition, the parties respectfully submit that it is not necessary to brief the question whether the obligations set forth in paragraph 5 are "related to an 'emergenc[y] involving the safety of human life or the protection of property.'" December 27, 2018 Minute Order (quoting 31 U.S.C. § 1342). Accordingly, the parties respectfully request that the Court set aside the briefing schedule issued on December 27.

Respectfully submitted,

Dated: December 28, 2018

By: /s/ Jennifer Chang Newell
JENNIFER CHANG NEWELL
Am. Civil Liberties Union Found.,
Immigrants' Rights Project
29 Drumm Street
San Francisco, CA 94111
(415) 343-0774

Counsel for Plaintiffs

By: /s/ Christina P. Greer
CHRISTINA P. GREER
Trial Attorney
Office of Immigration Litigation
U.S. Department of Justice, Civil Division
450 5th Street NW
Washington, DC 20530
Tel. (202) 598-8770
Christina.P.Greer@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of for the District of Columbia by using the appellate CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

By: /s/ Christina P. Greer
CHRISTINA P. GREER
Trial Attorney
United States Department of Justice
Civil Division